G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

~~190~~ 1892-93.

(Muzrai)

File No. 179

Serial Nos.

Papers Filed.

Month _____

SUBJECT.

Alienation of a Kodagi Inam land belonging to the Venkataramanaswamy temple in Masti village, Malur Taluk

PREVIOUS REFERENCES.	LATER REFERENCES.
	Muz F 393-08

Alienation of a certain Kodagi Inam land belonging to the Veneatramanaswami temple in Másti

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The facts of the case are:—

About 50 years ago, a certain Kodagi Inám owned by one Singa Ayengar and Rangaswami Ayengar was presented by them to the temple which continued to enjoy the same till the year 1872. In 1872, the inam was attached by the Deputy Superintendent, as the tank for the maintenance of which the inam had been granted, was found in a state of disrepair. In the following year, however, the temple Dharmakarthas sold the inam land and the tank to one Venkate Gowda under a registered deed of conveyance for a sum of Rs 100 which, it was specified in the deed, was to be utilized for Padithara expenses of the temple.

2. Subsequently, the alienee Venkate Gowda repaired the tank at a cost of Rs 1000 and in 1876 the inam land was released from attachment at the instance of Venkate Gowda. At this time, the Deputy Commissioner was fully aware of the alienation.

3. At the Inam Settlement which

took place in 1880, the Kodagi land in question was confirmed* to the temple on 1/4th Quit-rent in the Inam Register the land is entered as "Kodagi" now Devadaya"

4 The Dharmakartha and other residents of the temple now pray that the inam may be restored to the temple on the ground that the inam is a Devadaya grant and therefore inalienable.

5. In 1889 Venkate Gowda gave a Mutchalika agreeing to deliver 12 1/2 Khandies of paddy per annum for the Padithara expenses of the temple; but the terms of the Mutchalika were never enforced and he subsequently withdrew from his engagement. The alienee Venkate Gowda is dead. His widow is reported to be in favor of the restoration of the land to the temple; but his nephew Narana Gowda who is actually in possession of the land is not willing to surrender the same to the temple.

6. With reference to the above, the Deputy Commissioner states as follows:-

Vide Paras 11 and 12 of the Deputy Commissioners' letter No. 2632/1203 dated 6th April 1895.

7. The temple enjoys no cash Thasdik from Government; nor does it own any landed endowments besides the Kodagi inam land under dispute.

* Under Rule 1. Clause I of the late Ch: Commrs Pro: No. 9620 Rev: 43 dated 20th Dec: 1876.

6 The land cannot be treated as Devastana Inam as the summary enquiry ordered by Government in their letter No. 1203 dated 6th April 1895 must be completed & the Kodagi Inam belongs to the Temple of his heirs if Govt: withdraw from any kind of connection with it. — H. 3/7/95

Office Note

In a perusal of the Vernacular records, it is observed.

(1) The Sale of the land to Veneate Swda in 1873 has been recognized by the Dy Supt & subsequently by the Dy Land Rs. vide Vol

(2) Tho' in the main title-deed, the land is entered as "Kodiyi Nam Devadeya" yet from the Extract, it is noted that the land has been confirmed to the temple as Kodiyi Nam under Clause Rule I of the Para. Govt. Case. C.C.C's Proc. of 20th Dec. 1876. published in page 92 of Rev. Manual.

In this view the word may be ~~merely meant~~ regarded to mean merely "belonging to the temple" & not granted "for the up-keep of the temple" to which latter clause the late Ch. Comm's Notification of 1887 applies —.

(3) The temple employs no Cash Tandik from pt - Does it own any landed endowments besides the Kadiji land under dispute

Aug 22.
1916

Regd no
1338

Mufassil
4-8-19

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4/8/38

M. 760

MYSORE DEWAN'S OFFICE,

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM

The accompanying Petition No. 52
dated 26th July 92 received with
Dewan's Office from
and Gopalah and other residents of
Inaste village, Kolar Taluk

are ~~is~~ forwarded, ~~together with its~~
~~enclosures~~, to the Deputy Commissioner
Kolar District, for enquiry
and report

By Order,

(Sd) A. S

Muzrai Secretary.

BANGALORE,
2-7-1892.

2/3

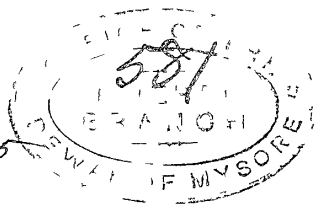
Mysore Govt. C. Press Bangalore.—17-12-92.—500.

For the original
Vide no 771 19-1-94 to
D.C. Kolar

No 3652 96-4-25
120

Gen. Serial No. 31.]

1895



From The Deputy Commissioner
Kolar district

To The Musgrove Secretary
to the Govt of Mysore

Dated 6th April 1895
Despatched 9th Do.
Received 11/4
Enclosures No. 1 file
General No. 3632
No. 1203

Reporting on the petition
from Gopalia and other
residents of Mastikillage
Malur Taluk

To the same No 839 3.7.95

Kolar Deputy Commissioner's Office,
Dated. the 6th April 1895.

To

The Muzarai Secretary to the
Government of Mysore.

Sir,

Adverting to your Official Memo-
-randum No. 60 dated 2nd September 1892
forwarding for enquiry and report a petition
No. 52 from Gopalia and other residents of
Masti village, Malur Taluk, I have the
honor to state that from
the records available on the
subject, it appears that
about 50 years ago the margin-
-ally noted Kodagi Inam
was granted by its original
holders Singiengar and
Rangaswamiengar for the
support of the Venkatrama-
-na-Swamy temple at Masti
village in the said Taluk.

2. The Dharmakartas of
the temple having neglected
to repair the tank for the
upkeep of which the Kodagi
Inam in question had
been

× herewith returned

A Ber Register of Minor Inams.

Situated in the village of Kolhikarahatti, Malur Taluk.

Description	Extent		Assessment		Jodi		Amount imposed at the Inam settlement.		Total	
	A.	P.	Rs	A. P.	Rs	A. P.	Rs	A. P.	Rs	A. P.
Dry Field	10	0	23	4 4	7	4 4	4	0 0	11	0 0
	15	0								

been granted, the Inam was brought under attachment in 1872 by an order issued by Mr. Krishniengar the then Deputy Superintendent of the District.

3. Thereupon, the Dharmakartas sold away the Kodagi tank with the Inam to one Karagada Venkategowda of Rajena-halli, Malur Taluk for Rs 100 by a deed of conveyance dated the 5th March 1873 which recites amongst other things that the said amount will be utilized by the Vendors for the Paditaram expenses of the temples.

4. Venkate gowda, the Vendee having subsequently repaired the Kodagi tank at an outlay of over Rs 1000, the Inam was released from attachment by the Deputy Commissioner who observed in his order No: 47 dated the 6th April 1876 that the same was subject to revision during the general settlement of Kodagi Inams in the Provinces.

5. It is evident from the records that before the release of the Inam from attachment

attachment the Deputy Commissioner was fully aware of the fact of the alienation thereof to Venkategowda and of the latter having in pursuance of the transaction been in possession of the lands, but there is nothing to show that such alienation took place with the express sanction or permission of that officer though it is clearly inferable from the papers that he acquiesced in the same

6. At the Inam Settlement which took place in 1880, the Kodagi Inam under reference was enfranchised at $\frac{1}{4}$th quit-rent and confirmed to the temple as a Devadayam grant.

7. The Patta of the Inam lands under notice has all along stood in the name of the temple though the Vendee and his successor in title have been in possession and enjoyment of the lands paying the Government dues thereon ever since the date of the alienation of the same.

8. Venkate Gowda is dead and his nephew Narana gowda who now holds the lands is not willing to surrender the same

for

for the benefit of the temple, though the widow of the deceased is in favour of the restoration of the lands to the Institution.

9. The fact of the alienation of the Inam lands belonging to the temple having come to the Deputy Commissioner's notice in 1888 an enquiry ensued during which the deceased Venkate gowda gave a Muchilka before the Amildar dated the 29th March 1889 agreeing to deliver 12½ Kandies of paddi per annum for the Padaraam expenses of the temple besides attending to the upkeep of the temple building as a consideration for his enjoyment of the Inam lands but this agreement does not seem to have been enforced as Venkate gowda subsequently withdrew from his engagement. An Endorsement No: 17 dated 7th March 1890 was issued from this office to one Narasimhachar Dharmakarta of the temple who sought the recovery of the paddi from Venkate gowda, informing him that no

orders

orders for the delivery of the produce of the Inam lands could be passed as the lands had been duly conveyed to Venkate Gowda by a registered deed of sale, executed by the Dharmakartas of the temple and as the former had on the strength of such conveyances repaired the Kodagi tank at a large outlay at the orders of the then Deputy Commissioners of the District.

10. The Petitioners complain that the enjoyment of the Inam lands by a stranger has seriously interfered with the performances of the necessary worship in the temple.

11. It is a question whether the Dharmakartas could alienate the temple Inam as they have done, and whether the Deputy Commissioner was competent to recognize or sanction such alienation without previously making a reference to and obtaining the special orders of Government in the matter, nor is it clear why Venkate Gowda if he thought that he had a good and indefeasible title to the lands did not urge or establish the same at the Inam Settlement at which they were confirmed as a Devadayam

in

in favor of the Temple, a circumstance which had the effect of putting him in the position of a trustee of the Institution responsible to see to the due fulfilment of the object for which the Inam had been granted by the donors named above.

12. Should the Government be pleased to decide that the Inam is a Devadayam and as such fell within the scope of the Inam Settlement like State Endowments for the support of Religious and Charitable Institutions, it would then be clearly in-alienable from the Temple to which it is attached and would be liable to be summarily resumed from the present enjoyer under the rules contained in the late Chief Commissioner's Notification No: 266 dated the 17th November 1877 republished with Government Proceedings No: 741-50 / Inam. F. 60-93 dated the 16th January 1894.

13. The Vernacular records bearing on the subject as per accompanying Periot are herewith submitted for reference and obliging return when no longer required.

14. It must be stated here that the gift of the land to the temple by the donors does not appear to have been made with the knowledge of Government nor was the enjoyer or his predecessors in title required to pay any portion of the produce for the benefit of the temple until a Inuchilika was taken from the latter in 1889, the conditions of which even were not enforced.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kolar District.

6

Gen. Serial No. 30.]

1895

MUZARAI.

From

To The Deputy Commissioner
Kolar District

Dated 3rd July 1895

Despatched

Received

Enclosures No.

General No. 33
Muzarai F. No. 1-95

Passing orders regarding the alienation of a Kodigi Inam land belonging to the Venkataramana Swamy temple in Inasti village, Malur Taluk.

1895. 6

Miscellaneous

Read:—

Petition No. 52 dated 14th July 1892 from Gopaliah and other residents of Masti village, Malur Taluk, praying for the restoration to the Venkataramanaswami temple of a certain Kodaji Inam land alienated from the institution.

Read also: The following letters from the Kolar Deputy Commissioner Kolar No. 3632/1203 dated 6th April 1895, reporting on the above

× ×

In Extenso

× ×

A

33 Thurst 1-95 of 3-7-95

Order thereon No.

Dated Bangalore 3rd July 1895.

Print

The Government observe that the land in question

having been confirmed to the temple on 1/4 Quit-rent under Rule I Clause of the Rules for the enfranchisement of Kodigi Inams ~~in the Province~~ belonging in the late Chief Commissioner's Pro: No: 9620 dated 20th December 1876, it cannot be treated as a Devadaya Inam or be summarily resumed under ~~the Rule published with~~ the late Chief Commissioner's Notification dated the 17th November 877. The land must be regarded as an enfranchised Kodigi Inam belonging to the alienee Venkata Gowda and his heirs. Government interference of any kind is not therefore called for in the matter.

Print

Secretary.

To. The Dy Commr. Kolar Distt returning Vern: Records.

1895-96

GOVERNMENT OF MYSORE

MUZRAI

PROCEEDINGS

Dated 3rd July 1895

No. $\frac{33}{\text{Muz. F.1-95}}$

Passing orders regarding the alienation of a Kodigi Inam land belonging to the Venkatramanaswami temple in Mesti village, Malur Taluk.

M.G.C.P.B.—27-7-95—120

READ :—

Petition No. 52, dated 14th July 1892, from Gopalaiya and other residents of Masti village, Malur Taluk, praying for the restoration to the Venkatramanaswami temple of a certain Kodigi Inam land alienated from the Institution.

READ ALSO :—

The following letter from the Deputy Commissioner Kolar District, No. 3632—1203, dated 6th April 1895.

"Adverting to your official memorandam No. 60, dated 2nd September 1892, forwarding for enquiry and report a petition No. 52 from Gopalaiya and other residents of Masti village, Malur Taluk, I have the honor to state that, from the records available on the subject, it appears that, about 50 years ago, the marginally noted Kodigi Inam was granted by its original holders, Singaiengar and Rangaswamaiengar, for the support of the Venkatramanaswami temple at Masti village in the said Taluk.

Description.		Extent.			Assessment.			Jodi.			Quit-rent imposed at the Inam settlement.			Total.		
		K.	K.	P.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Dry	...	0	10	0	23	4	4	7	4	4	4	0	0	11	0	0
Wet	...	0	15	0												

situated in the village of Adhikarahatti, Malur Taluk.

2. The Dharmakarthas of the temple having neglected to repair the tank for the up-keep of which the Kodigi Inam in question had been granted, the Inam was brought under attachment in 1872 by an order issued by Mr. Krishnaiengar, the then Deputy Superintendent of the District.

3. Thereupon, the Dharmakarthas sold away the Kodigi, tank with the Inam to one Karagada Venkate Gauda of Rajenahalli, Malur Taluk, for Rs. 100 by a deed of conveyance, dated the 5th March 1873, which recites amongst other things that the said amount will be utilized by the vendors for the Paditharam expenses of the temple.

4. Venkate Gauda, the vendee, having subsequently repaired the Kodigi tank at an outlay of over Rs. 1,000, the Inam was released from attachment by the Deputy Commissioner, who observed in his order, No. 47, dated the 6th April 1876, that the same was subject to revision during the general settlement of Kodigi Inams in the Province.

5. It is evident from the records that, before the release of the Inam from attachment, the Deputy Commissioner was fully aware of the fact of the alienation thereof to Venkate Gauda and of the latter having, in pursuance of the transaction, been in possession of the lands ; but there is nothing to show that such alienation took place with the express sanction or permission of that officer, though it is clearly inferable from the papers that he acquiesced in the same.

6. At the Inam settlement which took place in 1880, the Kodigi Inam under reference was enfranchised at $\frac{1}{4}$th quit-rent and confirmed to the temple as a Devadayam grant.

7. The Patta of the Inam lands under notice has all along stood in the name of the temple, though the vendee and his successor in title have been in possession and enjoyment of the lands paying the Government dues thereon ever since the date of the alienation of the same.

8. Venkate Gauda is dead ; and his nephew Narana Gauda, who now holds the lands, is not willing to surrender the same for the benefit of the temple, though the widow of the deceased is in favor of the restoration of the lands to the Institution.

9. The fact of the alienation of the Inam lands belonging to the temple having come to the Deputy Commissioner's notice in 1888, an enquiry ensued, during which the deceased Venkate-Gauda gave a Mutchalika before the Amildar, dated the 29th March 1889, agreeing to deliver $12\frac{1}{2}$ khandies of paddy per annum for the Paditharam expenses of the temple besides attending to the up-keep of the temple building as a consideration for his enjoyment of the Inam lands; but this agreement does not seem to have been enforced as Venkate Gauda subsequently withdrew from his engagement. An endorsement, No. 17, dated 7th March 1890, was issued from this office to one Narasimhachar, Dharmakartha of the temple, who sought the recovery of the paddy from Venkate Gauda, informing him that no orders for the delivery of the produce of the Inam lands could be passed as the lands had been duly conveyed to Venkate Gauda by a registered deed of sale executed by the Dharmakarthas of the temple and as the former had, on the strength of such conveyance, repaired the Kodigi tank at a large outlay at the orders of the then Deputy Commissioner of the District.

10. The petitioners complain that the enjoyment of the Inam lands by a stranger has seriously interfered with the performance of the necessary worship in the temple.

11. It is a question whether the Dharmakarthas could alienate the temple Inam as they have done, and whether the Deputy Commissioner was competent to recognize or sanction such alienation without previously making a reference to and obtaining the special orders of Government in the matter ; nor is it clear why Venkate Gauda, if he thought that he had a good and an indefeasible title to the lands, did not urge or establish the same at the Inam settlement at which they were confirmed as a Devadayam in favor of the temple, a circumstance which had the effect of putting him in the position of a trustee of the Institution responsible to see to the due fulfilment of the object for which the Inam had been granted by the donors named above.

12. Should the Government be pleased to decide that the Inam is a Devadayam and as such, fell within the scope of the Inam settlement like State endowments for the support of religious and charitable institutions, it would then be clearly inalienable from the temple to which it is attached, and would be liable to be summarily resumed from the present enjoyer under the Rules

contained in the late Chief Commissioner's Notification No. 266, dated the 17th November 1877, republished with Government Proceedings No. 741-50—Muz. F. 60-93, dated the 16th January 1894.

13 The Vernacular records bearing on the subject as per accompanying Forist are herewith submitted for reference and obliging return when no longer required.

14. It must be stated here that the gift of the land to the temple by the donors does not appear to have been made with the knowledge of Government, nor was the enjoyer or his predecessor in title required to pay any portion of the produce for the benefit of the temple until a Mutchalika was taken from the latter in 1889, the conditions of which even were not enforced."

No. 33—Muz. F. 1-95, DATED, BANGALORE, 3RD JULY 1895.

ORDER THEREON.—The Government observe that the land in question having been confirmed to the temple on ¼th quit-rent under Rule I, clause 1, of the rules for the enfranchisement of Kodigi Inams it cannot be treated as a Devadaya Inam or be summarily resumed under the late Chief Commissioner's Notification, dated the 17th November 1877. The land must be regarded as an enfranchised Kodigi Inam belonging to the alience Venkate Gauda and his heirs. Government interference of any kind is not, therefore, called for in the matter.

Secretary.

To—The Deputy Commissioner, Kolar District, returning Vernacular records.

Ead—H.A.R.